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NOTES OF CASES.

False Pretenses—Promise to Marry as “Confidence Game.”—In *People v. Miller*, in the Supreme Court of Illinois, 116 N. E. 131, it was held that the acts of a woman in promising to marry a man with no intention of performing, for the sole purpose of securing his money and property, all of which she did secure by such conduct, constituted a “confidence game” within the meaning of the following statutory provisions (Hurd’s Rev. Stat., 1915-16, chap. 38, §§ 98, 99):

“Sec. 98. Every person who shall obtain, or attempt to obtain, from any other person or persons, any money or property, by means or by use of any false or bogus checks, or by any other means, instrument or device, commonly called the confidence game, shall be imprisoned in the penitentiary not less than one year nor more than ten years.

Sec. 99. In every indictment under the preceding section it shall be deemed and held a sufficient description of the offense to charge that the accused did, on, etc., unlawfully and feloniously obtain, or attempt to obtain (as the case may be), from A. B. (here insert the name of the person defrauded or attempted to be defrauded), his money (or property, in case it be not money) by means and by use of the confidence game.”

On this point the court said in part: “The evidence in the record clearly proves that Lodavine entered into the marriage contract with Foulkes without any intention of keeping that promise, but did it for the unlawful purpose of gaining his confidence, so that she might obtain from him his money and property, as contended by the state. Her unlawful conduct was clearly a confidence game within the meaning of the statute, and she was proven guilty, beyond all reasonable doubt, of obtaining by means and by use of the confidence game the money and property of Foulkes, as charged in the indictment. The evidence also conclusively shows that J. Marion was cognizant of her unlawful conduct, and that he aided and assisted her in the commission of her crime, and is therefore guilty as an accessory before the fact. The contention cannot be maintained that Lodavine was merely guilty of the breach of a marriage contract. Her breach of that contract was a mere incident of her false and fraudulent scheme to obtain from Foulkes his money. She entered into the contract, and made her declarations of love and affection and repeated vows that she would keep her promise, for the unlawful purpose of obtaining his confidence and his money, and for that purpose only. The transaction was clearly a ‘swindling operation,’ in which she took advantage of the confidence reposed in her by Foulkes—a confidence which she had obtained by deceit and false promises as aforesaid. The case comes clearly within the confidence game statute (*Chilson v. People*, 224 Ill. 535, 79 N. E. 934; *People v. Weil*, 243 Ill. 208, 90 N. E. 731, 134 Am. St. Rep. 357).”